

STATE OF MARYLAND

v.

WILLIAM CHARLES ORR

**Defendant**

IN THE DISTRICT COURT

OF MARYLAND FOR

BALTIMORE COUNTY

CASE NO.: D-08-CR-23-000896

TRACKING NO.: 231001359223

\*\*\*\*\*

**Defendant's Request for Discovery and Motion to Produce Documents**

Comes now the Defendant William Charles Orr, by and through his attorneys Patrick Preller, and the Preller Law Firm. The following requests are made by the Defendant in accordance with the Maryland Rules of Procedure:

A. The requests extend to material and information in the possession or control of the State's Attorney, members of his or her staff, and any others who have participated in the investigation or evaluation of the case and who either regularly report, or, with reference to the particular case, have reported to the State's Attorney and/or any member or members of his or her staff.

B. The purpose of these requests is to obtain disclosure of material and information to the fullest extent authorized by the Maryland Rules, and this general purpose shall supersede any language or expression which might otherwise appear to be a limitation upon the object or scope of any request.

C. Captions or headings used to separate paragraphs are not part of the request, but are for convenience only.

D. Material or information discovered by the State's Attorney after his or her initial compliance with these requests shall be furnished promptly after such discovery in accordance with Maryland Rule 4-263(a), (g) and (h).

E. These requests in no way should be considered a waiver of the information required to be furnished without request to the Defendant by the State's Attorney pursuant to Maryland Rule 4-263(a).

F. The State's Attorney shall make disclosure, pursuant to Rule 4-263 (d), without the necessity of a request, within thirty (3) days after the earlier of the appearance of counsel or the first appearance of the Defendant before the Court pursuant to Maryland Rule 4-213.

**The State's Attorney is requested to:**

A. Furnish to the Defendant (a) any material or information which tends to negate the guilt of the Defendant as to the offenses charged, or as to any element of said offenses, including whether or not there was any prior misidentification of the Defendant by any State's witness, and if so, the circumstances under which said misidentification occurred; (b) any material or information within his possession or control, which would tend to reduce the Defendant's punishment for such offenses; (c) any relevant material or information regarding specific searches and seizures including, but not limited to, any statements made by the Defendant before, during, or after his arrest, and the contents of those statements, any documents indicating that the Defendant was issued, and made a knowing and intelligent waiver of his Miranda rights while in custody, any information tending to justify the reason for any other potentially exculpatory evidence that may exist and/or be known to the State's Attorney.

### **Witnesses**

1. Disclose the name and address of each person whom the State intends to call as a witness at a hearing or trial to prove its case in chief, together with all written statements of the person that relate to the offense charged.

a. Written Statement includes, but is not limited to the following:

i. handwritten notes of any law enforcement officers relative to any interviews of potential witnesses, conversations with these witnesses or experts, and notes of any observations made by the officers during their investigation of this case.

ii. the notes of any victim witness coordinator, who is a member of the Office of the State's Attorney, or the Child Advocacy network, relative to any interviews of potential witnesses, conversations with witnesses or experts, and notes of any observations made by witness coordinator during their participation in the investigation or evaluation of this case.

iii. the contents of any personal file maintained by any law enforcement officer regarding or relating to this case, including, but not limited to, any drafts of the incident reports prior to being approved by his/her supervisor.

iv. transcripts of the testimony of any witness, who previously testified before the Grand Jury, whom the State intends to call as a witness at any hearing on motions of the trial of the Defendant in this case.

2. Disclose the name and address of each person whom the State intends to call as a witness at a hearing or trial to rebut alibi or other exculpatory or mitigation testimony, together with all written statements of the person that relate to the offense charged. (see definitions above)

3. Disclose whether or not any informant or informants, confidential or otherwise, regardless of whether or not said informant or informants will testify at the trial of this case, was used in any way in the investigation of the Defendant relative to the allegations in this case.

4. Disclose the identity of each and every individual involved in the investigation that led to the arrest of the Defendant, and;

### **Statement(s) of the Defendant**

5. Furnish a copy of each written, oral, and/or recorded statement made by the Defendant and/or any co-defendant to an agent of the State, that relate to the offense charged and all material and information, including documents and recordings, that relate to the acquisition of such statements;

Written Statements of a person:

- a. Includes a statement in writing that is made, signed, or adopted by that person;
- b. Includes the substance of a statement of any kind made by that person that is embodied or summarized in a writing or recording, whether or not signed or adopted by the person;
- c. Includes a statement contained in a police or investigative report; but
- d. Does not include attorney work product.

Oral Statement of a person means the substance of a statement of any kind by that person, whether or not reflected in an existing writing or recoding.

### **Criminal Record / Prior conduct**

6. Defendant requests the State provide prior criminal convictions, pending charges, and probationary status of the Defendant and any co-defendant and any evidence of other crimes, wrongs, or acts committed by the Defendant that the State intends to offer at trial or at any hearing pursuant to Rule 5-404(b).

### **Exculpatory Evidence**

7. The defendant requests that the State provide all material or information in any form, whether or not admissible, that tends to exculpate the Defendant or negate or mitigate the Defendant's guilt or punishment as to the offense charged.

### **Impeachment Information**

8. The defendant requests that the State provide all material ore information in any form, whether or not admissible, that tends to impeach a State's witness, including, but not limited to:

- a. evidence of prior conduct to show the character of the witness for untruthfulness pursuant to Rule 5-608(b);
- b. a relationship between the State's Attorney and the witness, including the nature and circumstances of any agreement, understanding, or representation that may constitute an inducement for the cooperation or testimony of the witness;
  - i. the defendant requests the state provide the names and addresses of all

persons during the investigation of this case who have been offered immunity, favorable consideration, lesser pleas or other agreements, for themselves or for others, in return for testimony, information, or documents by the State's Attorney's office, members of his staff, and any others who have participated in the investigation or evaluation of this case and who regularly report or have reported to the State's Attorney regarding this case;

ii. the defendant requests that the State disclose any and all consideration or promises of consideration, given to or made on behalf of any intended witness or informant or any benefit expected or hoped for by the witness or informant by the State's Attorney, members of his staff, and any others who have participated in the investigation or evaluation of this case and who regularly report or have reported to the State's Attorney regarding this case.

iii. the defendant requests that the State disclose any and all threats, express or implied, direct or indirect, or any other coercion made or directed against any intended prosecution witness or informant concerning any other pending or potential legal disputes or transactions over which the State or any governmental entity has any real, apparent or perceived influence, and which has been identified by the State in this matter and has been communicated to any potential witness or informant.

c. prior criminal convictions, pending charges, or probationary status that may be used to impeach the witness.

d. an oral statement of the witness, not otherwise memorialized, that is materially inconsistent with any statement made by the witness or with a statement made by another witness.

e. a medical or psychiatric condition or addiction of the witness that may impair the witness' ability to testify truthfully or accurately.

f. the fact that the witness has taken but did not pass a polygraph examination.

g. the failure of the witness to identify the Defendant or co-defendant.

### **Reports of Experts**

8. Produce and permit the Defendant to inspect and copy all written reports or statements made in connection with the Defendant's case by each expert, if any, consulted by the State, including the results of any physical or mental examination, scientific test, experiment or comparison, and any statement or testimony of any police officer, which the State intends to call as an expert at any hearing or trial.

9. Furnish the substance of any oral report and conclusion made in connection with the Defendant's case by the State, including the results of any physical or mental examination, scientific test, experiment or comparison, and any statement or testimony of any police officer, which the state intends to call as an expert at any hearing or trial.

10. Produce and permit the Defendant to inspect and copy any and all reports and documents of any kind including the questions and answers and original tracings derived from the polygraphing of any person, including but not limited to the Defendant and any potential suspects or witnesses.

11. Provide the expert's name, address.

12. Provide copies of substantiating documents for any activity, education, or experience on which the State will rely in laying a foundation for qualifying any individuals as experts, including relevant courses attended by the expert, specific curriculum for each course and whether a certificate of completion and grade was awarded; and employee evaluations of performance.

### **Evidence for Use at Trial**

11. Produce and permit the Defendant to inspect and copy any books, papers, documents, recordings or photographs and computer generated evidence which the State intends to use at any hearing or trial. This request includes, but is not limited to reports and/or other documents produced by the Baltimore City Police Department, and/or any other member of any law enforcement agency involved in the investigation, arrest and prosecution of this matter.

12. Permit the Defendant to inspect any photographs which police or prosecution authorities may have exhibited to any witness for purposes of identification of the Defendant, and any other photographs which the State intends to use in the trial of the Defendant, and the presentation of its case in chief, and furnish the Defendant with copies of said photographs and the results of each viewing of said photographs.

13. Produce and permit the Defendant to photograph any tangible object which the state intends to use at any hearing or trial.

### **Transcripts of Grand Jury Testimony**

14. Provide to the Defendant transcript(s) of the testimony of all witnesses who testified at the Grand Jury proceedings in this case. This request is made in the interest of judicial economy and to obviate the need for a defense-requested continuance at the end of the direct examination of each State's witness. The State is hereby put on notice that transcript(s) should be ordered promptly. Moreover, provide the Defendant with the Indictment and/or Criminal Information that was filed pursuant to the prosecution of this case.

### **Defendant's Property**

15. Produce and permit the Defendant to inspect, copy and photograph any item obtained from, or belonging to the Defendant, whether or not the State intends to use them at any hearing or trial.

### **Law Enforcement Officers**

16. Permit the Defendant to inspect any law enforcement report containing the chain of custody of the Defendant's person or his property, beginning with the time of Defendant's arrest and continuing through the time the Defendant was in the custody of the police and/or any prosecuting authorities.

17. In the event that law enforcement authorities have not prepared the type of report relating to the custody of the Defendant, or his property as referred to in paragraph fifteen, to furnish the Defendant with the names and addresses of all persons who had custody and/or control of the Defendant beginning with the arrest of the Defendant and continuing through the time that he was in custody of any police or prosecuting authorities.

18. Disclose any information contained in the employment file of any member of the Baltimore City Police Department involved in this investigation that would tend to impugn his or their credibility in any way, including, without limitation, any current or prior allegations by any person of brutality and/or misconduct, whether those allegations are or have been the object of any type of internal or external investigation, inquiry, lawsuit or any other proceeding, and if so and if known, the results of said proceeding(s).

### **Official Reports**

19. Furnish copies of any and all statements or reports of prosecution witnesses which have been reduced to writing.

20. Furnish photostatic copies of any and all crime lab reports that have been made pertaining to this case.

21. Furnish copies of all offense reports or other official police reports pertaining to these offenses.

22. Supply copies of any and all medical reports that the State has or wishes to introduce into evidence with respect to this case.

23. Permit the Defendant to see, inspect and view any photographs, film, slide(s), or moving pictures containing relevant evidence in this case which the State has in its possession or intends to use in preparation for trial and/or for any hearing or trial that may occur in this case.

24. Permit the Defendant to see, inspect, photocopy, and/or copy any photographs, diagrams, blueprints, layouts or plans of the grounds or buildings on the premises involved in these proceedings which are in the possession of the State.

25. Pursuant to Maryland Rule 4-601, produce and permit the Defendant to inspect and copy any warrants, affidavits, inventories and/or other related papers involved in these proceedings.

Respectfully submitted,

/s/ Patrick S. Preller

Patrick S. Preller, Esquire (#9812170058)

16 S. Frederick Street

Baltimore, MD 21202

(410) 539-0042

ppreller@prellerlawfirm.com

*Attorney for Defendant*

#### **RULE 20-201 CERTIFICATION**

This submission does not contain any restricted information.

/s/ Patrick S. Preller

Patrick S. Preller

#### **CERTIFICATION OF SERVICE**

I HEREBY CERTIFY that on **August 14, 2023**, a copy of the foregoing was sent to:

Office of the State's Attorney for Baltimore County  
County Courts Building  
401 Bosley Avenue, Room 511  
Towson, Maryland 21204

/s/ Patrick S. Preller

Patrick S. Preller